IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 10879 of 2006(T)

PETITIONER:

A.K.ABDULLA, S/O.ALI,
APPATHUM KATTIL HOUSE, P.O.ANAKKARA,
OTTAPPALAM TALUK, PALAKKAD DT.

BY ADV. SRI.P.NARAYANAN

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
PALAKKAD.

2. THAHSILDAR, OTTAPPALAM.

3. THE VILLAGE OFFICER,
CHEKKODE VILLAGE, OTTAPALAM TALUK.

BY ADV. SRI.P.V.MOHANAN
BY GOVT. PLEADER SRI.V.T.K.MOHANAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.10879 OF 2006)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the Purchase Certificate dtd.5.9.1977.

Ext.P2: Copy of the Sale Deed dtd.27.1.1999.

Ext.P3: Copy of the Certificate No.A3.29/06 dtd.22.3.06 issued by the Secretary, Anakkara Panchayath.

Ext.P4: Copy of the Ownership Certificate dtd.25.10.2000.

Ext.P5: Copy of the Building Tax Receipt dtd.25.10.2000.

Ext.P6: Copy of Copy of the Notice dtd.25.2.2006 issued by R2.

Ext.P7: Copy of the objection dtd.30.3.2006 submitted before R2.

RESPONDENTS' EXHIBITS:

Ext.R4(a): Copy of proceedings dtd.8.12.2006.
Ext.R4(b): Copy of proceedings dtd.21.12.2006.
Ext.R4(c): Copy of proceedings dtd.30.12.2006.
Ext.R4(d): Copy of representation dtd.15.2.2007.
Ext.R4(e): Extract copy of Report published in the local daily Malayala Manorama dtd.16.2.2007.

-True Copy-

P.A.to Judge.

S.SIRI JAGAN, J.

W.P(C) NO. 10879 OF 2006

Dated this the 8th day of June, 2007

J U D G M E N T

The petitioner challenges Ext.P6 notice by which he has been directed to show cause why he should not be evicted from the property mentioned in Ext.P6. The petitioner submits that he has already filed Ext.P7 objection which has not been considered and disposed of by the second respondent. It is further submitted that without hearing the petitioner and passing a speaking order, the respondents shall not take further proceedings pursuant to Ext.P6.

2. I have heard learned counsel for the petitioner as also the learned Government Pleader.

3. In the facts and circumstances of the case, I dispose of this writ petition with a direction to the second respondent not to take further proceedings pursuant to Ext.P6 except after considering Ext.P7 objection stated to have been filed by the petitioner, affording an opportunity of being heard which shall include opportunity to adduce evidence also and passing a

speaking order.

The petitioner shall produce a copy of this judgment before the second respondent for information and compliance.

S.SIRI JAGAN,
Judge

Mbs/